



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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2 October 2007

Dr. Karl Longley, Chairman
Ms. Pamela Creedon, Executive Officer
Mr. Kenneth Landau, Assistant Executive Officer
Mr. Dave Carlson, Env. Program Manager, NPDES
Ms. Diana Messina, Sr. WRC Engineer
Ms. Amy Simpson, WRC Engineer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission
Hardcopy if Requested

RE: Comments on Revisions, Waste Discharge Requirements (NPDES No. CA0079049) for City of Davis Wastewater Treatment Plant, Yolo County

Dear Messrs. Longley, Landau, Carlson and Mesdames Creedon, Messina and Simpson:

The California Sportfishing Protection Alliance and Watershed Enforcers (CSPA) has reviewed the Central Valley Regional Water Quality Control Board's (Regional Board) revised tentative NPDES permit (Order or Permit) for City of Davis Wastewater Treatment Plant (Discharger) and submits the following comments.

On September 4th 2007 the Regional Board issued a Notice of Continuation of a Public Hearing for the City of Davis' Wastewater Treatment Plant. There are significant changes to the proposed NPDES Permit. The following comments address the changes to the proposed Permit and incorporate our previous 19 May 2007 comments by reference.

- 1. The proposed Permit establishes Effluent Limitations for metals based on the hardness of the effluent as opposed to the ambient upstream receiving water hardness as required by Federal Regulations, the California Toxics Rule (CTR, 40 CFR 131.38(c)(4)).**

The proposed Permit acknowledges (Fact Sheet page F-16, Hardness) that Federal Regulation 40 CFR 131.38(c)(4) states that: "For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this section, for waters with a hardness of 400 mg/l or less as calcium carbonate, the actual ambient hardness of the surface water shall be used in those equations." (Emphasis added).

Despite citation of the regulatory requirement, the proposed Permit then illegally uses the hardness of the effluent rather than the actual ambient hardness of the surface water to